



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.206 OF 2025

Dhanraj Nimbaji Khubalkar

Vs.

State of Maharashtra, through Police Station Officer, Police Station Khapa
Nagpur (Rural)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. K. Sathianathan, Counsel for the applicant.

Mr. M. K. Pathan, APP for non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.29/2025 registered with Police Station Khapa, District Nagpur, for the offence punishable under Sections 132, 221, 238 and 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 and Sections 4 and 21 of the Mines and Minerals (Development And Regulation) Act, 1957 and Section 3 Prevention of Public Property Act, 1984, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that on 01.02.2025 at about 10.30 p.m. the Officer In-charge of Khapa Police Station Mr. Giri called the complainant on his mobile phone

and informed him that some secret information he received to the extent that there will be illegal transportation of stolen sand from Khapa town area and if any movement is observed, complainant should inform immediately. Therefore, the informant went to the road coming from the bullock market to Dohanghat road and found one tractor with trolley transporting the sand. The present applicant alleged to the driver of the said tractor. Except that, there is no allegation against him. He submitted that the custodial interrogation of the present applicant is not required, he has already produced the said tractor before the Investigating Officer. In view of that, interim protection granted to present applicant deserves to be confirmed.

3. Learned APP strongly opposed for the same and submitted that considering the matter in which the sand was transported his custodial interrogation is required. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

4. After hearing both sides and on perusal of the investigation papers, the custodial interrogation was required for the recovery of the tractor, now the said tractor is already produced before the Investigating Officer. As far as the interrogation part is concerned, some conditions required to be imposed. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant by order dated 26.03.2025 granting ad-interim anticipatory bail deserves to be confirmed on condition that the applicant shall attend the concerned Police Station once in a week on Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the Investigating Agency, till filing of the charge-sheet.
- (iii) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.
- (iv) The applicant shall not indulge himself in similar types of activities.
- (v) A single incident of similar nature would lead to the cancellation of bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)